

05/24/01



JC962 U.S. PTO

05-25-01

A  
PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

U S. Patent and Trademark Office; U S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 28122.90

First Inventor Gregory Murphy

Title VENTRICULAR RESTORATION PATCH  
APPARATUS AND METHOD OF USE

Express Mail Label No. EL828064135US

PTO  
09/864663

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1.  Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2.  Applicant claims small entity status.  
See 37 CFR 1.27.
3.  Specification [Total Pages 29]
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4.  Drawing(s) (35 U.S.C. 113) [ Total Sheets 17 ]
5. Oath or Declaration [ Total Pages ]

  - a.  Newly executed (original or copy)
  - b.  Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 18 completed)
    - i.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

6.  Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7.  CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a.  Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  paper
  - c.  Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9.  Assignment Papers (cover sheet & document(s))
10.  37 CFR 3.73(b) Statement  Power of Attorney (when there is an assignee)
11.  English Translation Document (if applicable)
12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations
13.  Preliminary Amendment
14.  Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15.  Certified Copy of Priority Document(s) (if foreign priority is claimed)
16.  Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17.  Other: Express Mail Certificate

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation    Divisional    Continuation-in-part (CIP)

of prior application No. /

Prior application information

Examiner \_\_\_\_\_

Group Art Unit \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

<input type="checkbox"/> Customer Number or Bar Code Label	[Redacted]			or <input checked="" type="checkbox"/> Correspondence address below
Name	David L. McCombs			
Address	HAYNES AND BOONE LLP			
	901 Main Street, Suite 3100			
City	Dallas	State	TX	Zip Code
Country	USA	Telephone	(214) 651-5533	Fax
Name (Print/Type)	Bill R. Naifeh	Registration No. (Attorney/Agent)	44,962	
Signature				Date

Burden Hour Statement. This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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# FEE TRANSMITTAL

## for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 391.00)

## Complete if Known

Application Number	n/a
Filing Date	Herewith
First Named Inventor	Gregory Murphy
Examiner Name	n/a
Group Art Unit	n/a
Attorney Docket No.	28122.90

## METHOD OF PAYMENT

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **08-1394**

Deposit Account Name **Haynes and Boone, L.L.P.**

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

Applicant claims small entity status See 37 CFR 1.27

2.  Payment Enclosed:

Check  Credit card  Money Order  Other

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)		
101	710	201	355	Utility filing fee	<b>355.00</b>
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	
<b>SUBTOTAL (1)</b>		<b>(\$)</b>		<b>355.00</b>	

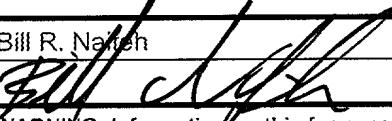
## 2. EXTRA CLAIM FEES

		Extra Claims	Fee from below	Fee Paid
Total Claims	<b>24</b>	$-20^{**} =$	<b>4.00</b>	$\times 9 =$ <b>36.00</b>
Independent Claims	<b>2</b>	$-3^{**} =$	<b>-1.00</b>	$\times$ <b>0.00</b>
Multiple Dependent				<b>0.00</b>

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)		
103	18	203	9	Claims in excess of 20	
102	80	202	40	Independent claims in excess of 3	
104	270	204	135	Multiple dependent claim, if not paid	
109	80	209	40	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2)</b>		<b>(\$)</b>		<b>36.00</b>	

\*For number previously paid, if greater. For Reissues, see above

3. ADDITIONAL FEES	Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	
105	130	205	65	Surcharge - late filing fee or oath
127	50	227	25	Surcharge - late provisional filing fee or cover sheet
139	130	139	130	Non-English specification
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination
112	920*	112	920*	Requesting publication of SIR prior to Examiner action
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action
115	110	215	55	Extension for reply within first month
116	390	216	195	Extension for reply within second month
117	890	217	445	Extension for reply within third month
118	1,390	218	695	Extension for reply within fourth month
128	1,890	228	945	Extension for reply within fifth month
119	310	219	155	Notice of Appeal
120	310	220	155	Filing a brief in support of an appeal
121	270	221	135	Request for oral hearing
138	1,510	138	1,510	Petition to institute a public use proceeding
140	110	240	55	Petition to revive - unavoidable
141	1,240	241	620	Petition to revive - unintentional
142	1,240	242	620	Utility issue fee (or reissue)
143	440	243	220	Design issue fee
144	600	244	300	Plant issue fee
122	130	122	130	Petitions to the Commissioner
123	50	123	50	Petitions related to provisional applications
126	240	126	240	Submission of Information Disclosure Stmt
581	40	581	40	Recording each patent assignment per property (times number of properties)
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))
179	710	279	355	Request for Continued Examination (RCE)
169	900	169	900	Request for expedited examination of a design application
Other fee (specify) _____				
Reduced by Basic Filing Fee Paid				<b>SUBTOTAL (3) (\$ 0.00)</b>

SUBMITTED BY		Complete (if applicable)		
Name (Print/Type)	Signature	Registration No. (Attorney/Agent)	Telephone	Date
Bill R. Natch		44,962	(214) 651-5706	5/24/01

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Murphy et al. § Docket Number: 28122.90  
§  
§  
Serial No.: N/A § Group Art Unit: Unknown  
§  
Filed: Herewith § Examiner: Unknown  
§  
§  
For: VENTRICULAR RESTORATION PATCH §  
APPARATUS AND METHOD OF USE §  
§  
§

Box Patent Application  
Commissioner for Patents  
Washington, D.C. 20231

**EXPRESS MAIL CERTIFICATE**

Express Mail Number: EL828064135US

Date of Deposit: May 24, 2001

I hereby certify that the following attached papers and fee:

1. Utility Patent Application Transmittal Sheet (in duplicate);
2. Fee Transmittal Sheet (in duplicate)
3. Patent Application consisting of 29 pages of Specification, 24 Claims, 1 page of Abstract;
4. 17 informal drawing sheets;
5. A check in the amount of \$391.00 for filing fees;
6. Request and Certification under 35 U.S.C. 122(b)(2)(B)(i); and
7. Return Postcard.

are being deposited with United States Postal Service "Express Mail Post Office to Addressee" to the  
Commissioner for Patents, Box Patent Application, Washington, D. C. 20231.

Fran Ideker

Typed or Printed Name

Fran Ideker

Signature

D-898840 1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Murphy et al.	§	Docket No.:	28122.90
Serial No.:	n/a	§	Examiner:	n/a
Filing Date:	Herewith	§	Art Unit:	n/a
For:	VENTRICULAR RESTORATION PATCH APPARATUS AND METHOD OF USE	§		
		§		
		§		
		§		
		§		

Commissioner of the U.S. Patent  
and Trademark Office  
Box: Patent Application  
Washington, D.C. 20231

Dear Sir:

**REQUEST FOR NON-PUBLICATION OF PATENT APPLICATION**

Applicant hereby request non-publication at eighteen months from the filing date for the above-identified patent application as required in 35 U.S.C. § 122(b).

Bill R. Naifeh hereby certifies that the invention disclosed in the attached application, entitled VENTRICULAR RESTORATION PATCH APPARATUS AND METHOD OF USE has not been and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

Respectfully submitted,



Bill R. Naifeh  
Reg. No. 44,962

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Attorney Docket No. 28122.90  
D-899066.1